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Dáta

SINN FEIN/SDLP

- Sinn Fein on National Self-determination

and

- a proposal on joint action on fair employment

SF/SDLP/2/MAY88.

INTRODUCTION

Following our exchange of documents in March, the purpose of which was to explore whether there can be agreement on an overall nationalist political strategy for justice and peace, we have studied and now answer in detail the questions posed by the SDLP. If you recall we, in our paper, 'Towards a Strategy for Peace', also proposed that there were a number of issues affecting the nationalist community on which Sinn Fein and the SDLP could jointly campaign without prejudice to differences of opinion on how best the National Question can be resolved.

We have thus included, as a supplement to this paper, a proposal on the issues of eradicating discrimination in employment and the provision of equality of opportunity. Given that the British government are presently formulating legislation on this subject we are convinced that the greater the unity in support of nationalist demands, the greater the pressure on the British government to deliver. We would ask you to respond to this proposal at the earliest opportunity.

NATIONAL SELF-DETERMINATION

Sinn Fein accepts self-determination to mean a nation's exercise of the political freedom to determine its own economic, social and cultural development, without external influence and without partial or total disruption of the national unity or territorial integrity.

Ireland today clearly does not meet those criteria nor does the pretext for partition hold good against those criteria.

The pretext for partition - the wishes of a national minority to maintain British rule - holds no validity against the express wishes of the vast majority of the Irish people.

Secession is not the same as self-determination.

Partition perpetuates the British government's denial of the Irish people's right to self-determination. It perpetuates the cycle of oppression/domination/resistance/oppression.

In the words of Sean McBride, winner of the Nobel and Lenin Peace prizes:

"Ireland's right to sovereignty, independence and unity are inalienable and indefeasible. It is for the Irish people as a whole to determine the future status of Ireland. Neither Britain nor a small minority selected by Britain has any right to partition the ancient island of Ireland, nor to determine its future as a sovereign nation." *

* 'Scenario for Peace' (find enclosed)

The SDLP has asked us five questions in relation to our attitude to the acceptance of the right of the Irish people to self-determination, the practical exercise of self-determination and how best to progress towards the realisation of that objective.

Please find, below, our considered views.

"1. Do you accept the right of the Irish people to self-determination?"

Of course we accept the right of the Irish people to self-determination, i.e., the right of the Irish people as a whole. The right of the Irish people, as a whole, to self-determination is supported by universally recognised principles of international law.

The United Nations Charter, Article 2 (1), states that one of the organisations founding principles and purposes was:

"To develop friendly relations among nations based on the principle of equal rights and self determination of people..."

The right to self-determination is enshrined in the two United Nations' Covenants of 1966 - the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic Social and Cultural Rights*. Article 1 of each covenant states:

"1. All peoples have the right to self-determination. By virtue of that right they determine their economic, social and cultural development."

The landmark *Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations* declares:

"...all people have the right freely to determine, without external influence, their political status and to pursue their economic, social and cultural development and every state has the duty to respect this right in accordance with the provisions of the Charter."

Partition is in contravention of the *United Nations' Declaration on the Granting of Independence to Colonial Countries and Peoples*. Article 6 of which states:

"Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations."

On the basis of the principles outlined in the above quoted United Nations Charter, Covenants and Declarations Sinn Féin not only accepts the right of the Irish people to national self-determination but holds the achievement of the exercise of that right as a primary political objective.

"2. Do you accept that the Irish people are at present deeply divided on the question of how to exercise self-determination?"

Sinn Féin believes that this question betrays a confusion in the SDLP between the differences that obviously exist in Ireland on the question of political allegiance and the question of how to exercise self-determination. Because of the continual denial to the Irish people of the right to

exercise self-determination it is clear that no basis of practical experience, since the unique experience of the 1918 Westminster elections, exists to support the conclusion offered in question No. 2.

The people of Ireland have never been permitted to exercise their right to national self-determination. British government policy has consistently denied the exercise of that right to the Irish people. The British government veto - explicit in that policy - over the exercise of that right obtains today.

Sinn Féin recognises that British government policy has created and maintained a division of political allegiance in Ireland - the national allegiance of a clear majority and the unionist allegiance of a national minority.

British government policy - manifest in partition - upholds the unionist political allegiance of a national minority against the national and democratic rights of the majority.

When a people are divided in political allegiance the democratic principle is that majority rights should prevail; the more so when such fundamentals as national rights are in question.

It is the British government's refusal to recognise Irish national rights - nationhood, integrity of the national territory, national independence and sovereignty - which has caused the problem and maintains it.

Sinn Féin recognises that unionists have democratic rights which not only can be upheld but must be upheld in an independent Ireland. That is a democratic norm.

Those democratic right, however, must not extend to a veto over the national rights of the Irish people as a whole.

"3. Do you accept that in practice agreement on exercising that right means agreement of both the unionist and nationalist traditions in Ireland?"

The exercise of the right to national self-determination in practice involves, primarily, the acceptance of Irish national rights by the British government; in effect the ending of current British government policy and the removal of the veto that that government has arbitrarily imposed on the exercise by the Irish people of their national and democratic rights.

Without such a fundamental policy change by the British government it is difficult to conceive of unionists considering having to come to a consensus with nationalists. Indeed a guarantee of the maintenance of partition in perpetuity leaves unionists with no reason to seek a consensus. Within the context of that policy change Sinn Féin believes that agreement between people of the nationalist and unionist traditions is not only desirable but achievable.

We believe that consent can be obtained if the relevant parties and particularly the two governments concerned demonstrate the political will to achieve it. As a first step both governments must establish Irish re-unification as a policy objective.

Nationalists and democrats cannot concede a veto to unionists over Irish re-unification. To do so would be to concede a veto on the exercise of national rights to a

national minority and would flout the basic principles of democracy.

It is desirable that unionists or a significant proportion of them give their support to the means of achieving Irish re-unification and promoting reconciliation between Irish people of all traditions. It is obviously desirable that everything reasonable should be done to obtain the consent of a majority in the North to the constitutional, political and financial steps necessary for bringing about the end of partition once this has become the policy objective of the two governments concerned.

"4. If you accept 1, 2 and 3 would you then agree that the best way forward would be to attempt to create a conference table, convened by an Irish government, at which all parties in the North with an electoral mandate would attend? The purpose of such a conference would be to try to reach agreement on the exercise of self-determination in Ireland and on how the people of our diverse traditions can live together in peace, harmony and agreement. It would be understood that if this conference were to happen that the IRA would have ceased its campaign. It would also be understood in advance that if such a conference were to reach agreement, it would be endorsed by the British government.

"5. In the event of the representatives of the Unionist people refusing to participate in such a conference would you join with the Irish government and other nationalist participants in preparing a peaceful and comprehensive approach to achieving agreement on self-determination in Ireland? Would we in fact and in practice take up the challenge laid down by Tone?"

Although you will acknowledge that we have not accepted without qualification 1,2 and 3 we would, however, respond positively to the proposal for a round table conference.

Obviously a conference of all Irish parties, not just those in the North, would be useful and attendance would pose no problem to Sinn Fein however.

We do not believe that such a conference would be the best way forward (it would only be part of the way forward) because it would be held - as in your hypothetical question - in the absence of a prior declaration of intent to withdraw from Ireland by the British government.

We must, however, reject any notion of having pre-conditions imposed on our own attendance or on the attendance of any other party with elected representatives.

De facto sovereignty over the two states of Ireland is exercised by the British and Dublin governments.

Implicit in the exercise of Irish national self-determination is that the British government relinquishes its claim to sovereignty over the six-county state. Political, constitutional and psychological reasons, therefore, dictate that the British government be involved in any process which will realise the exercise of Irish national self-determination. A conference would of necessity have to be prefaced by an indication from the British government that it indeed intends to relinquish its sovereignty over the six counties. Irish reunification as a stated policy objective would constitute, as a first step, the minimum requirement of such an indication.

In the absence of such a declaration, unionists assured by the veto conferred on them by the British government, would feel no compunction to move towards a consensus on the means to constructive British disengagement. Alternatively, they would simply decline the invitation to attend.

We do not believe that a conference called by the Dublin government only can effect the desired objective of achieving the exercise of Irish national self-determination.

Such a conference might prove useful in concerting steps for alleviating some of the abuses suffered by Northern nationalists and for obtaining international support for that end. Furthermore, a re-affirmation of pan-nationalist consensus on Irish re-unification would prove particularly constructive if there was a follow through in the form of seeking international support for that objective. But the problem would remain if neither the British government nor the unionists participated.

For nationalists the key questions are how to get the British government to recognise Irish national rights; to change its present policy to one of ending partition and the union within the context of Irish reunification and, having done so, how we secure the co-operation of a majority in the north to the means of implementing those rights.

In conclusion, we trust that the above explains our position vis-a-vis the question you have posed to us in your document.

We look forward to receiving your written replies to the questions posed to you in the document we submitted to the SDLP delegation at the first meeting of our respective party delegations.

'Unity by Consent'

In the interests of developing the discussions which have begun between our two parties we would like to explore what is entailed in your policy of unity by consent. Will the SDLP define what it means by 'a majority'? We would welcome such a definition. In addition we would like to hear your views on how, having acquired, such 'a majority', the desired objective of unity by consent may be effected.

Sinn Fein proposal on joint action

In our paper, 'Towards a Strategy for Peace', we expressed an interest in finding common ground with the SDLP on political activity which would seek to achieve and safeguard the democratic rights of the nationalist community. These issues would include ,extradition; plastic bullets; strip searching; RUC brutality; repatriation of prisoners; SOSPs and Lifers reviews; the Diplock courts; the UDR; PTA; the EPA; Payment of Debt Act; discrimination in employment and high nationalist unemployment; cultural rights; British economic cut backs and changes in Social Security laws.

However, of a most pressing urgency are the issues of eradicating discrimination and the provision of equality of opportunity in employment. That urgency is dictated by the forthcoming British government revision of the fair employment legislation which will determine progress in tackling those issues over the next decade. While there are clearly divergencies of opinion between Sinn Fein and the SDLP in our respective analysis of the cause of the persistence of these inequalities and our approaches to their just resolution, there is, yet, much common ground particularly in the area of the legislative remedy which is required.,

What is beyond doubt is that these injustices persist. This is evident in the consistent imbalances in the workforce. Equally evident is the fact that the greater the unity in support of the necessary remedy, the greater the pressure on the British government to deliver.

It appears reasonable to assume that the British government does not intend to provide the necessary legislative remedy by codifying the scope of remedial

action - in the form of affirmative action measures - which employers may legally use and which the new Fair Employment Commission may legally impose on recalcitrant employers in the 'primary' legislation in relation to these issues.

Instead, it appears, the British government will opt for inclusion of the scope of remedial action available to both employers and the new Fair Employment Commission in a revised Guide to Effective Practice. That 'Guide', it is acknowledged, will be no more than a voluntary code. Attempts to employ or impose the remedies included therein are likely to be subject to continual challenge in the courts.

We, therefore, propose that Sinn Fein and the SDLP immediately set about jointly drafting a set of proposals apropos the necessary scope of remedy to be included in the forthcoming 'primary' legislation and that we initiate an intensive campaign - domestically and internationally - seeking support for the inclusion of those proposals in the revised legislation as a means of progressing movement on these issues.

Futhermore, we believe there is a pressing need for joint action on all aspects of the anti-discrimination campaign.

Accordingly we invite the SDLP to engage in discussions with Sinn Fein specifically aimed at effecting a broad-based comprehensive campaign on the issues of discrimination and equality of opportunity in employment.

ENDS